

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DIEDRA A. BACA

Plaintiff,

No. 1:17-cv-00726-KRS

v.

NANCY BERRYHILL, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

**ORDER GRANTING MOTION TO PROCEED *IN FORMA PAUPERIS***

THIS MATTER comes before the Court on two separate “second” motions seeking to proceed in this matter without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. On July 12, 2017, the Court denied without prejudice Ms. Baca’s initial attempt at proceeding *in forma pauperis* and encouraged her to renew her request. The Court has reviewed both “second” motions and determines that, taken together, they provide sufficient information for the Court to determine her ability to pay. The Court FINDS that Ms. Baca has shown a financial inability to pay the required filing fees and has demonstrated a non-frivolous basis to appeal the agency’s denial of benefits that has a basis in law and fact. *See Lister v. Dep’t of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005).

**IT IS, THEREFORE, ORDERED** that Ms. Baca’s latest filed second motion to proceed *in forma pauperis* [Doc. 9] is **GRANTED** and her previous motion [Doc. 8] is **DENIED AS MOOT**.



\_\_\_\_\_  
KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE